IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1519 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHOLENATH CORPORATION THRO' CHANDRAKISHORE SHIVGOPAL

Versus

REVABHAI NANABHAI

Appearance:

1. Civil Revision Application No. 1519 of 1997

MR MB GANDHI for Petitioner No. 1

MR AR SHAIKH for Respondent No. 1

MR SUNIL K SHAH for Respondent No. 1,3-9

RULE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/02/2004

ORAL JUDGEMENT

The petitioner herein is the original plaintiff

of Regular Civil Suit No.463 of 1997, which is filed in the Court of the learned Civil Judge (S.D.), Ahmedabad Rural. In the said suit application exh.5 filed by the plaintiff was rejected by the trial Court. Against the said order Civil Misc. Appeal was filed by the present petitioner. The said appeal was also dismissed by the learned 2nd Extra Assistant Judge, Ahmedabad (Rural) at Mirzapur by the order dated 18th September, 1997. Against the said judgement and order the present civil revision application is filed.

2 In view of the amendment in Section 115 of the Civil Procedure Code, this revision application against such an interlocutory order is not maintainable. Hence, Mr M.B.Gandhi for the petitioner, wants to withdraw this revision application. Permission is granted. Civil Revision Application is disposed of as withdrawn. Rule is discharged. No order as to costs.

3 It is clarified that the petitioner is at liberty to file a substantive petition under Article 227 of the Constitution of India challenging the impugned order of the appellate Judge. Interim relief granted in the present civil revision application is ordered to be extended up to 15th March, 2004.

(P.B. Majmudar, J.)
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